

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MAURICE LOUIS,

Plaintiff,

- against -

BROOKLYN BOTANIC GARDENS,

Defendant.

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**ORDER**

**10-CV-5406 (JG)(LB)**

**BLOOM, United States Magistrate Judge:**

Plaintiff's application to proceed *in forma pauperis* under 28 U.S.C. § 1915 is hereby granted. The United States Marshals Service is directed to serve the summons and complaint upon defendant without prepayment of fees.

Plaintiff requests *pro bono* counsel in this employment discrimination action. See Docket Entry 2. There is no right to counsel in a civil case. Martin-Trigona v. Lavien, 737 F.2d 1254, 1260 (2d Cir. 1984). The Court looks to a number of factors to determine whether it is appropriate to request a volunteer attorney for a civil case. The Court cannot compel an attorney to take a civil case without a fee. Mallard v. United States District Court, 490 U.S. 296 (1989). The Court must first consider whether the plaintiff has met the "threshold showing of some likelihood of merit." Johnston v. Genessee County Sheriff Maha, 606 F.3d 39, 41 (2d Cir. 2010). Plaintiff does not establish the threshold requirement at this juncture. Therefore, plaintiff's application for *pro bono* counsel is denied without prejudice. Plaintiff may contact the New York City Bar Lawyer Referral Service at (212) 626-7373 or the National Employment Lawyers Association Referral Service at (212) 819-9450 to try to find an attorney to represent him in this matter. Plaintiff should never leave his only copy of any record with an attorney, as he should always keep a copy for himself.

**Consent to trial and decision on this case by a United States Magistrate Judge**

The parties shall advise the Court by signing the enclosed form whether they jointly consent to trial and decision on this case by me, a United States Magistrate Judge, pursuant to 28 U.S.C. § 636(c). Consent of the parties means that I may conduct all proceedings including trial of this matter and the entry of judgment in this case. The parties are free to withhold consent without adverse consequences.

If the parties consent, my decision will be entered as the decision of the Court and an aggrieved party may appeal directly to the United States Court of Appeals to the same extent and subject to the same conditions as if the decision had been rendered by a District Judge. If the parties do not consent to decision by a Magistrate Judge and a dispositive motion is referred, my decision shall be reported as a recommendation to the assigned District Judge.

Any party who disagrees with a Magistrate Judge's report and recommendation must file written objections within fourteen days to preserve their right to appeal. Upon receipt of written objections from a party within fourteen days, the assigned District Judge shall review the proposed recommendations to which the objection is made. The District Judge may accept, reject, or modify,

in whole or in part, the findings or recommendations made by the Magistrate Judge. If a Magistrate Judge's report and recommendation is accepted by the assigned District Judge, the decision shall be entered and an appeal shall lie to the United States Court of Appeals.

This information regarding the availability of a Magistrate Judge to hear the entire case on consent of the parties is not meant to, in any way, interfere with the parties' absolute right to decision by a United States District Judge. This is an option available to the parties which may expedite adjudication of this case and preserve scarce judicial resources.

SO ORDERED.

/Signed by Judge Lois Bloom/

  
LOIS BLOOM  
United States Magistrate Judge

Dated: December 2, 2010  
Brooklyn, New York